

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
TRIAL**

CASE NO.: CR-08-00004

DATE: June 24, 2008

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: None Present

Court Reporter: Wanda Miles

Courtroom Deputy: Carmen B. Santos

Electronically Recorded: 9:13:53 - 10:26:33
10:42:15 - 12:27:16
2:36:11 - 3:48:55
4:06:10 - 5:10:21

APPEARANCES:

Defendant: Eun Young Lee
Marcelino Laserna
John Duenas
Mary Garcia
Joseph Pangelinan
Francisco Kawamoto
Margaret Untalan

Attorney: Richard Arens
Mark Smith
Cynthia Ecube
Leilani Lujan
Louie Yanza
Stephanie Flores
Rawlen Mantanona

☒ Present ☐ Custody ☐ Bond ☐ P.R.

☒ Present ☒ Retained ☒ FPD ☒ CJA

U.S. Attorney: Karon Johnson

U.S. Agent: K. Klocke, FBI

U.S. Probation: None Present

Interpreter: Sung Woo Yoon

Language: Korean

PROCEEDINGS: Jury Trial - Day 12

- Witnesses sworn and examined; exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- Oral motion of Mr. Yanza to strike the testimony re Ji Eon Lee (Exhibit 48) - granted due to failure to establish a proper foundation and hearsay. Jurors instructed to disregard the testimony.
- Government has a total of approximately 6 remaining witnesses.
- Court urged defense counsel to file a response to Government's Memorandum Concerning Unavailability of a Witness. Responses should be filed, preferably by June 25, 2008, but no later than Thursday morning, June 26, 2008.
- Court stated that the Rule 1006 summary evidence on Exhibit 14 must also be addressed by the parties.
- F. Randall Cunliffe is appointed to represent witness Ji Yeon Choi Ritter.
- Jury Trial (Day 13) continued to: June 25, 2008 at 1:30 PM

NOTES:

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 13, 2008 JUNE 16, 17, 18, 19, 20, 2008 JUNE 23, 24, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						9:13:53 - Begin Day 12 - June 24, 2008	
						9:46:37 - Jurors seated	
						9:48:09 - Witness Myung Sug Kim , called and sworn	
						9:49:14 - DX by Ms. Johnson	
	35		6/9/08	6/24/08	6/16/08 6/10/08	MVD file for - Myung Sug Kim - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	35-5		6/9/08	6/24/08	6/16/08 6/10/08	Korean Driver's License of Myung Sug Kim - MVD file for - Myung Sug Kim offered by Government; Objections made: conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	35-3 35-4		6/9/08	6/24/08	6/16/08 6/10/08	Translation of Korean Driver's License of Myung Sug Kim - MVD file for - Myung Sug Kim offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	11		6/11/08	6/24/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection (Frank Blaz)	
						10:26:33 - 10:42:15 - Jurors excused- morning break	
						10:43:26 - CX by Mr. Yanza	
	35		6/9/08	6/24/08	6/16/08 6/10/08	MVD file for - Myung Sug Kim - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
		N		6/24/08		Plea Agreement of Myung Sug Kim - identified by Mr. Yanza (Myung Sug Kim)	
		N p 5:21- 25, p 6:1-9		6/24/08		Plea Agreement of Myung Sug Kim - identified by Mr. Yanza (Myung Sug Kim)	
	11		6/11/08	6/24/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection (Frank Blaz)	
						11:29:33 - CX by Mr. Smith	
						11:31:03 - CX by Mr. Arens	
						11:35:06 - CX by Ms. Lujan	
						11:36:00 - Witness excused	
						11:38:48 - Witness Dong Sik Jung , called and sworn	
						11:40:00 - DX by Ms. Johnson	
	47		6/9/08	6/24/08	6/16/08 6/10/08	MVD file for - Dong Sik Jung - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	48		6/9/08	6/24/08	6/16/08 6/10/08	MVD file for - Ji Eon Lee - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
						12:11:00 - Jurors excused for lunch - return by 2:15 p.m.	
						12:11:18 - sealed matter	
						12:27:16 - End morning session	
						2:36:11 - Resume afternoon session; jurors seated, witness seated; continued DX by Ms. Johnson	
						Oral motion of Mr. Yanza to strike the testimony re Ji Eon Lee (Exhibit 48) - granted due to failure to establish a proper foundation and hearsay. Jurors instructed to disregard the testimony.	
	47		6/9/08	6/24/08	6/16/08 6/10/08	MVD file for - Dong Sik Jung - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	11		6/11/08	6/24/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection (Frank Blaz)	

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 13, 2008 JUNE 16, 17, 18, 19, 20, 2008 JUNE 23, 24, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						2:58:30 - CX by Mr. Arens	
		U-X		6/24/08		Plea Agreement of Dong Sik Jung, identified by Mr. Arens (Dong Sik Jung)	
	11		6/11/08	6/24/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection (Frank Blaz)	
						3:17:35 - CX by Mr. Mantanona	
		U-X		6/24/08		Plea Agreement of Dong Sik Jung, identified by Mr. Arens (Dong Sik Jung)	
	47-3 47-4		6/9/08	6/24/08	6/16/08 6/10/08	MVD file for - Dong Sik Jung - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
						3:44:00 - CX by Mr. Yanza	
						3:44:47 - CX by Ms. Lujan	
						3:46:06 - CX by Mr. Smith	
						3:47:07 - Witness excused	
						3:47:30 - Jurors excused - 10 minutes recess	
						3:48:01 - outside presence of witnesses	
						3:48:55 - Recess	
						4:06:10 - Resume afternoon session; jurors seated	
						4:07:37 - Witness Deuk Soon Choi Pereda , called and sworn	
						4:08:46 - DX by Ms. Johnson	
	25-1, 25-5, 25-3, 25-4		6/9/08	6/24/08	6/16/08 6/10/08	MVD file for - Deuk Soon Choi (Pereda) - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	11		6/11/08	6/24/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection (Frank Blaz)	
						4:32:25 - Jurors excused - instructed to return by 1:15 p.m., 6/25/08	
						4:34:23 - Defense counsel urged by court to file responses to Government's motions	
						5:10:21 - End day 12	